

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

TONY GAMBONE,

Defendant.

Case No. C06-5381RBL

ORDER DENYING MOTION TO
ADMIT EVIDENCE

This Civil Rights action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. Before the court is a motion filed by plaintiff asking the court to “admit relevant evidence.” (Dkt # 78). This is the fourth such motion filed by plaintiff over a 35 day period. (Dkt. # 67, 68, 73, an 78).

Defendants oppose the motions and note there is no rule under the Federal Rules of Civil Procedure that allows for filings of this nature (Dkt # 79). Defendant opposes the court entering the documents at this point in the proceedings.

The Defendant is correct. When discovery or documents are submitted to the court, they must be attached to a motion or in support of a motion. See Generally, Fed. R. Civ. P. 56 (c); See also, Local Rule 7 (b).

When a motion is before the court the court can properly consider if a certain exhibit is

1 admissible. The court is not in a position to determine what, if any, of the documents submitted by
2 plaintiff may ultimately be admissible. Plaintiff's motion is **DENIED**.

3 The documents will remain in the file. The court does not consider them as evidence at this
4 point in time. Either party may cite to these documents at the proper time and the other side will then
5 have an opportunity to object to the court's consideration of the document.

6 The clerk's office is directed to send plaintiff and counsel for defendants a copy of this Order
7 and to remove docket number 78 from the court's calendar.

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9 DATED this 21 day of August, 2007.

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11 /s/ J. Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate Judge
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